

870331

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF

TUESDAY, MARCH 31, 1987

AT 9:00 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 10:29 a.m. The meeting was recessed by Mayor O'Connor at 10:35 a.m. to convene as the Redevelopment Agency and the Special Joint Council meeting with the Redevelopment Agency. The meeting was reconvened by Mayor O'Connor at 10:46 a.m. with Council Member McCarty not present. The meeting was recessed by Mayor O'Connor at 12:08 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor O'Connor at 2:01 p.m. with no quorum present. A quorum was present at 2:07 p.m. with Council Members McColl, Jones, McCarty, and Ballesteros not present. Mayor O'Connor adjourned the meeting at 3:28 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Cleator-present
- (3) Council Member McColl-present
- (4) Council Member Jones-present
- (5) Council Member Struiksmma-present
- (6) Council Member Gotch-present
- (7) Council Member McCarty-excused by R-268214  
(illness)
- (8) Council Member Ballesteros-present  
Clerk-Mutascio (jb;mp)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Mutascio called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Cleator-not present
- (3) Council Member McColl-present
- (4) Council Member Jones-present
- (5) Council Member Struiksmma-present
- (6) Council Member Gotch-present
- (7) Council Member McCarty-not present

(8) Council Member Ballesteros-present

ITEM-106: (R-87-1831) ADOPTED AS RESOLUTION R-267999

Vacating an unnamed street located northeasterly of Brunner Street and within the boundaries of Parcel 1 of Parcel Map PM-14126, under the procedure for the summary vacation of streets where for a period of five consecutive years the street to be vacated has been impassable for vehicular travel and during such period no public money has been expended for maintenance.

(Linda Vista Community Area. District-6.)

CITY MANAGER REPORT: The University of San Diego has requested the vacation of the unnamed street easement in order to unencumber and clear title to their property. The street easement was discovered through a title report prior to the recordation of Parcel Map PM-14126. This parcel map was allowed to record after a determination by the City Attorney's Office that there was no need to show this street easement on the map as it ceased to exist with the realignment of Linda Vista Road in the 1940's.

The proposed vacation is in a R-1-5 Zone and partially within a Hillside Review Zone of the Linda Vista Community Plan Area. The vacation request represents approximately 1.6 acres and would normally allow development of 14 additional residential units. The adjoining property is regulated, however, by an existing Conditional Use Permit for the University of San Diego campus. The Planning Department has no objection to the vacation and the Planning Commission recommended approval by a 6-0 vote on November 12, 1986. The area of vacation is unimproved and has been precluded from development since portions of the right-of-way are situated both on steep slopes and within a developed portion of the USD campus. There are no public utilities within the right-of-way. However, SDG&E does maintain facilities within the right-of-way but has acquired the necessary easements. Therefore, no easements are to be reserved. Staff review has indicated that the right-of-way is no longer needed for present or prospective public use and may be summarily vacated.

FILE LOCATION: STRT J-2645; DEED F-3821 DEEDFY87-1

COUNCIL ACTION: (Tape location: A010-060.)

MOTION BY GOTCH TO ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Cleator-not present, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-not present, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-310:      ADOPTED AS RESOLUTION R-268000

Proclaiming the week of March 30 - April 4, 1987 as 911  
Appreciation Week.

FILE LOCATION:    MEET

COUNCIL ACTION:    (Tape location: A061-073.)

MOTION BY JONES TO APPROVE. Second by McColl. Passed by the  
following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea,  
Jones-yea, Struiksma-yea, Gotch-yea, McCarty-not present,  
Ballesteros-yea, Mayor O'Connor-yea.

ITEM-330:

Matters affecting the following real property:

Lot 2 of Graves Tract, Map-3777, located south of  
Clairemont Mesa Boulevard, between Convoy and Mercury  
Streets, in the Serra Mesa Community Plan area.

1) Rezoning the above described real property from Zone  
M-1A to Zone C-1;

2) Amending the Serra Mesa Community Plan to redesignate  
the site from Light Industrial to General Commercial use on  
the above described real property; and

3) Amending the Progress Guide and General Plan to  
redesignate the site from Industrial to Office and  
Specialized Commercial use on the above described real  
property.

(Case-86-0787. District-5.)

Subitem-A:    (R-87-1712)    ADOPTED AS RESOLUTION R-268001

Adoption of a Resolution certifying that the information  
contained in Environmental Negative Declaration END-86-0787  
has been completed in compliance with the California  
Environmental Quality Act of 1970 and State guidelines, and  
that said declaration has been reviewed and considered by  
the Council.

Subitem-B:    (O-87-165)    INTRODUCED, TO BE ADOPTED APRIL  
20, 1987

Introduction of an Ordinance for C-1 Zoning.

Subitem-C:    (R-87-1711)    ADOPTED AS RESOLUTION R-268002

Adoption of a Resolution amending the Serra Mesa Community  
Plan and the Progress Guide and General Plan for the City  
of San Diego, to become effective after the next omnibus  
hearing.

FILE LOCATION:

Subitems A and C ZONE ORD. NO.;

Subitem B--

COUNCIL ACTION: (Tape location: A223-230.)

Hearing began at 10:48 a.m. and halted at 10:48 a.m.

MOTION BY STRUIKSMA TO CLOSE THE HEARING, ADOPT SUBITEMS A AND C AND INTRODUCE SUBITEM B. Second by Cleator. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-not present, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-331: (R-87-1594) RETURNED TO CITY MANAGER

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Gateway Center East Landscape Maintenance District.

(Southeast San Diego Community Area. District-4.)

CITY MANAGER REPORT: Gateway Center East is an industrial park project under development by the Southeast Economic Development Corporation, located east of I-15 and north of Martin L. King Way. Landscaping for the project consists of landscaped open space easements on the slopes facing I-15 and S.R. 94, as well as landscaping along the frontage of all lots and medians in Martin L. King Way and Gateway Center Drive. Landscape maintenance will be provided by the proposed maintenance district. This public hearing establishes the assessments for the remainder of the current fiscal year (1987). The District will provide maintenance of open space, medians, and landscaped easements within the District. The proposed maintenance costs for the District for the remainder of the current fiscal year (1987) are as follows:

Contractual Maintenance	\$24,000
Water and Electric Service	5,000
Incidentals	9,000
Total Expenses	\$38,000
Reserve	3,800
Total	\$41,800
Less City Contribution	250
Assessed to District	\$41,550

The average assessment amount per building pad acre for the remainder of the current fiscal year (1987) is approximately \$1,100.

FILE LOCATION: STRT M-123

COUNCIL ACTION: (Tape location: A231-340.)

Hearing began at 10:49 a.m. and halted at 10:56 a.m.

MOTION BY JONES TO RETURN TO THE CITY MANAGER, AT HIS REQUEST, AND DIRECT STAFF TO NOTICE FOR A PUBLIC HEARING ON JULY 7, 1987 WITH A BUSINESS IMPROVEMENT DISTRICT IMPLEMENTING ORDINANCE AS WELL AS THE MAINTENANCE DISTRICT. Second by Gotch. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksmayea, Gotch-yea, McCarty-not present, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-332:

Appeal of Charter Hospital of San Diego, Inc., by Ms. Wimberly Treadwell, from the decision of the Planning Commission in denying Conditional Use Permit CUP-86-0963 for an 80-bed psychiatric hospital consisting of approximately 61,000 square feet of gross floor area. The subject property is located on the north side of Avenue of Industry between Innovation Drive and Carmel Mountain Road (7.4 acres), in Zone M-1B, in the Carmel Mountain Ranch Community Plan area, and is more particularly described as Lot 7 of Map-10382 and Parcel 2 of Parcel Map PM-3864. (CUP-86-0963. District-1.)

Subitem-A: (R-87- ) ADOPTED AS RESOLUTION R-268003

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-86-0963 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-87- ) ADOPTED AS RESOLUTION R-268004,  
GRANTED APPEAL AND PERMIT

Adoption of a Resolution granting or denying the appeal and the permit with appropriate findings to support Council action.

FILE LOCATION: PERM CUP-86-0963

COUNCIL ACTION: (Tape location: A341-560.)

Hearing began at 10:57 a.m. and halted at 11:09 a.m.

MOTION BY WOLFSHEIMER TO CLOSE THE HEARING, ADOPT SUBITEM A AND SUBITEM B, GRANTING THE APPEAL AND PERMIT. Second by Gotch. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksmayea, Gotch-yea, McCarty-not

present, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-333: (O-87-178) INTRODUCED, TO BE ADOPTED APRIL 20,  
1987

A proposal to amend the Marina Interim Planned District Ordinance. The amendments include an extension of time, clarifications regarding parking requirements and variances for residential and commercial gross square footage requirements when certain conditions are met.

The extension of time would extend Interim Ordinance O-16609 NS from its current expiration date of April 17, 1987 for a period of two years or until the Marina Planned District Ordinance is adopted, whichever first occurs.  
(District-8.)

Introduction of an Ordinance amending the Marina Planned District Interim Ordinance.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A561-576.)

Hearing began at 11:09 a.m. and halted at 11:10 a.m.

MOTION BY JONES TO INTRODUCE THE ORDINANCE. Second by Ballesteros. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksmay-yea, Gotch-yea, McCarty-not present, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-334:

(Continued from the meetings of February 24, 1987, Item 333, and March 10, 1987, Item 331; last continued at Paul Robinson's request, because the developer is preparing a redesign of the development.)

Matters set forth below which affect the following real property:

Lots 32-89 of Fortune Homes, Unit 2, Map-9615; Lots 90-150, Fortune Homes, Unit 3, Map-9779; and Lots 153-194, Fortune Homes, Unit 4, Map-9786 (approximately 30 acres), located west of 45th Street, south of Imperial Avenue, north of Oceanview Boulevard and east of Horizon Street, in Zone R1-5000 in the Southeast San Diego Community Plan area.

- 1) Rezoning the above described real property from Zone R1-5000 to Zone R-2000;
- 2) Appeals of Mark II Properties, by Susan K. Lay, from the decision of the Planning Commission in denying:
  - a) Planned Residential Development Permit PRD-84-0763, proposing construction of 599 multi-family attached dwelling units on the above described real property;

b) Tentative Map TM-84-0763 (North Creek Homes),  
proposing a 6-lot subdivision on the above described  
real property; and

3) Amendment to the Southeast San Diego Community Plan,  
redesignating the above described real property from  
"Cemetery" use to "Residential, 15-45 dwelling units per  
acre." (Case, PRD & TM 84-0763. District-4.)

Subitem-A: (R-87-1520) FILED AS RESULT OF DENYING THE  
APPEAL

Adoption of a Resolution certifying that the information  
contained in Environmental Impact Report EIR-84-0763 has  
been completed in compliance with the California  
Environmental Quality Act of 1970 and State guidelines, and  
that said report has been reviewed and considered by the  
Council.

Subitem-B: (O-87-146) DENIED  
Introduction of an Ordinance for R-2000 Zoning.

Subitem-C: (R-87- ) ADOPTED AS RESOLUTION R-268005.  
DENIED APPEAL AND PERMIT

Adoption of a Resolution granting or denying the appeal and  
the permit, with appropriate findings to support Council  
action.

Subitem-D: (R-87- ) ADOPTED AS RESOLUTION R-268006,  
DENIED APPEAL AND MAP

Adoption of a Resolution granting or denying the appeal and  
the map, with appropriate findings to support Council  
action.

Subitem-E: (R-87-1396) ADOPTED AS RESOLUTION R-268007,  
DENIED APPEAL AND AMENDMENT

Adoption of a Resolution granting or denying the amendment  
to the Southeast San Diego Community Plan.

Subitem-F: (R-87- ) FILED AS A RESULT OF DENYING THE  
APPEAL

Adoption of a Resolution containing appropriate findings of  
mitigation, feasibility or project alternatives pursuant to  
California Public Resources Code Section 21081 in  
connection with Environmental Impact Report EIR-84-0763.

FILE LOCATION:

Subitems A,C,E,F PERM PRD 84-0763;

Subitem

B--;

Subitem D SUBD North Creek Homes

COUNCIL ACTION: (Tape location: A577-C130.)

Hearing began at 11:11 a.m. and halted at 12:08 p.m.

Testimony in favor of the appeal by Paul Robinson, Dale Naegle, Jasper Bonner, Rosetta Cook and Hakim Rashid.

Testimony in opposition to the appeal by Verna Quinn, Anna M. Major, Richard Calvin, E. Robinson, Reynaldo Pisano, Cheryl Johnson, Thomas McPhatter, Tom Finley, Chandra Clady and Jimmie Harrison.

MOTION BY JONES TO CLOSE THE HEARING AND DENY THE APPEAL.

Second by Ballesteros. Passed by the following vote:

Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-not present, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-335:

(Continued from the meeting of March 17, 1987, Item 337, at Council Member Ballesteros' request, to have the Planning Department work with the developer to allow a park on the site or to modify the site to permit development of a park.)

Rezoning a portion of Lot 14, Tibbetts Tract, Land Survey Map-24 (a 9.65-acre site) located on the west side of 27th Street between Grove and Iris Avenues, in the Otay Mesa-Nestor Community Plan area, from Zone R1-10000 to Zone R-3000.

(Case-86-0749. District-8.)

Subitem-A: (R-87-1600) FILED AS A RESULT OF DENYING  
REZONE

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration EMND-86-0749 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-87-157) DENIED REZONE

Introduction of an Ordinance for R-3000 Zoning.



FILE LOCATION:

Subitem-A: ZONE ORD. NO.;

Subitem-B: - -

COUNCIL ACTION: (Tape location: D016-E047.)

Hearing began at 2:08 p.m. and halted at 2:51 p.m.

Council Member McColl entered at 2:08 p.m.

Council Member Ballesteros entered at 2:10 p.m.

Testimony in favor by Frank Asaro and Brad Griggs.

Testimony in opposition by Fred Perez, Paul Clark, Ruth Schneider, Lincoln Pickard, Sue Martin, Marie Majercin, and Gene Goycochea.

Motion by Ballesteros to continue the matter for 90 days. In the mean time staff and developer are to try to resolve issues discussed concerning the roadway and other infrastructure, and staff to move forward on some plan for providing some park land in the area. Second by Wolfsheimer. Motion withdrawn because developer did not want a continuance.

MOTION BY BALLESTEROS TO DENY THE REZONE. Second by Gotch.

Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-not present, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-336: (O-87-171) CONTINUED TO APRIL 7, 1987 AT 10:00 A.M.

Matter of a proposal to approve the Second Amendment to the Santa Fe Land Improvement Development Agreement.

The First Amendment provided for the extension of time for filing a Local Coastal Program from 2 1/2 years to approximately 4 years. The time for filing such program expires on April 25, 1987. The proposed second amendment would extend the time for filing by an additional 2 years.

The development site is located on approximately 18 acres in the Columbia Redevelopment Project area. The site is generally bounded on the north by Ash Street, on the east by Kettner Boulevard, on the west by Pacific Highway and on the south by "E" Street.

(District-8.)

FILE LOCATION: DEVL - Santa Fe Land Improvement Development Agreement

COUNCIL ACTION: (Tape location: A074-083.)

MOTION BY CLEATOR TO CONTINUE TO APRIL 7, 1987 AT THE CITY CLERK'S REQUEST. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea,

Struiksma-yea, Gotch-yea, McCarty-not present, Ballesteros-yea,  
Mayor O'Connor-yea.

ITEM-S403: (R-87- ) AMENDED LIST ADOPTED AS RESOLUTION  
R-268009

(Trailed from the meeting of Monday, March 30, 1987.)  
(Continued from the meetings of March 9, 1987, Item S403;  
March 16, 1987, Item S402, and March 24, 1987, Item S501;  
last continued at Council Member Wolfsheimer's request, to  
allow time for staff to respond to her questions regarding  
the addendum passed out at the Council Meeting.)

Approving the list of transportation projects shown on  
attachment "A" to City Manager Report CMR-87-78 for  
inclusion in the SANDAG expenditure plan of the proposed  
1/2 percent sales tax initiative.

(See addendum dated 3/24/87; memorandum from the City  
Manager dated 3/16/87; and City Manager Report CMR-87-78.)

COMMITTEE ACTION: Reviewed by RULES on 3/4/87. Recommendation  
to send to Council without a recommendation. Districts 2, 3, 4  
and Mayor voted yea. District 6 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E049-603.)

Motion by Wolfsheimer to include temporarily the construction of  
Black Mountain Road. If the contractor comes in by budget time  
then reallocate the money. Second by Gotch. Failed by the  
following vote: Yeas-1,6,8. Nays-2,3,4,5,M. Not Present-7.

MOTION BY STRUIKSMA TO APPROVE THE LIST DELETING ITEM 11 AND  
AUGMENTING WITH THE INTERCHANGE BETWEEN SR-52 ARDATH ROAD AND  
I-5, AND DIRECTING THE CITY MANAGER TO PROVIDE COUNCIL WITH A  
SCHEDULE FOR THE TIMELY CONSTRUCTION OF BLACK MOUNTAIN ROAD.

Second by Cleator. Passed by the following vote:

Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea,  
Struiksma-yea, Gotch-yea, McCarty-not present, Ballesteros-yea,  
Mayor O'Connor-yea.

NON-DOCKET ITEMS:

None.

PUBLIC COMMENT:

None.

ADJOURNMENT:

By common consent, the meeting was adjourned by Mayor  
O'Connor at 3:28 p.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E605).